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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/634,698

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Donald E. Marigliano

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EXAMINER

LEMIEUX, JESSICA

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/634,698	Applicant(s) MARIGLIANO, DONALD E.	
	Examiner JESSICA L. LEMIEUX	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15, 19-24, 27-29, 32-34 and 37-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15, 19-24, 27-29, 32-34 and 37-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 19th, 2009 has been entered.

Status of Claims

2. Claims 15, 19-24, 27-29, 32-34 and 37-41 are pending.
Claims 1-14, 16-18, 25-26, 30-31 and 35-36 stand cancelled.

Response to Arguments

3. Applicant states that the prior art doesn't disclose/etc. the claims as pending. Examiner notes that these arguments are made with respect to the amended claims. Examiner disagrees with the applicant's conclusion that the pending claims as amended are in condition for allowance, as the amended claims have been considered but applicant's arguments are moot in view of the new ground(s) of rejection.

4. In response to the second argument, the Examiner respectfully reiterates that Ram discloses using color indicators for differentiating types of order data (short/option/margin/profit/loss/etc.) (paragraphs [0060 & 0235]) although Ram does not specifically teach determining a color based on a difference between a strike price of an option quote and a price of a security underlying the presented option quote and

Art Unit: 3693

presenting the option quote in association with the color. It should also further be noted that the difference between the underlying security's current market price and the option's strike price represents the amount of profit per share gained upon the exercise or the sale of the option. Therefore, since Ram teaches using color indicators for differentiating types of order data (profit/loss), it can be reasonably ascertained that Ram teaches representing a difference between a strike price of an option quote and a price of a security underlying the presented option quote and presenting the option quote in association with the color (profit/loss). Berckmans further discloses that voluminous information displayed textually is easily confused and misinterpreted and that by representing financial data using colors users can more easily and quickly perceive and process displayed information (page 6, lines 16-22). Examiner noted that this could be easily adapted to determine a color based on a difference between a strike price of an option quote and a price of a security underlying the presented option quote and present the option quote in association with the color and the combination of Ram and Berckmans would simplify the perception and processing of displayed financial data. Official notice was taken simply to overcome the fact that neither Ram nor Berckmans specifically taught a plurality of brightness levels of color to associate the difference with. Examiner asserted that it is old and well known to determine a brightness level of color for ease of perception and processing of displayed information. The evidence to support this assertion is that humans perceive different shades/brightness levels of colors as separate "colors" all together (lime green vs. hunter green, sky blue vs. navy blue, etc.). Examiner notes that different brightness

Art Unit: 3693

levels of colors are thus perceived as different "colors" all together and by incorporating different brightness levels of colors it would further increase the complexity of perceptible information available visually, as addressed by Ram and Berckmans.

Therefore the combination of Ram in view of Berckmans further in view of Official Notice teaches associating a plurality of brightness levels determined based on the difference between a strike price of the presented option quote and a price of a security underlying the presented option quotes.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15, 19-21, 24, 27-29, 32-34 and 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Number 2003/0004853 to Ram et. al (hereinafter Ram) in view of US Patent Application 2002/0152153 to Nakagawa (hereinafter Nakagawa) and US Patent 7,529,701 to Shields et al. (hereinafter Shields).

As per claims 15, 24, 29, and 34

Ram discloses a processor and a storage device in communication with said processor and storing instructions adapted to be executed by said processor (page 1, paragraph [0009] and page 9, paragraph [0182]), and an option (page 2, paragraph [0028]) server for receiving option quote information and for transmitting option quote information and a client device in communication with the option server (page 9, paragraph [0178]), for

Presenting a graphical user interface, the graphical user interface comprising at least one option quote area for presenting a plurality of option quotes and an order entry

Art Unit: 3693

area comprising input areas for inputting two or more option orders selected from the presented plurality of option quotes; and (Figure 12: 124 & 128, Figure 16 and Figure 51);

Receiving via a processor a user selection of one of the presented plurality of option quotes for order placement, automatically populating at least one of the input areas of the order entry area with attributes of first and subsequent option orders corresponding to user-selected option quotes prior to simultaneous order placement and iteratively receiving a user selection and automatically populating the option order input area until the submit user control is activated (Level I data) (page 3, paragraphs [0042-0043] and Figure 12: 124 & 128, Figure 16 and Figure 51).

Examiner notes that selecting a security could be done by typing or rather inputting the security symbol into the tab set 128. Examiner further notes that applicant is correct in saying that a display at a trader's location will display data for a selected security and the displayed data will be displayed in a tab set, however examiner further asserts that this information is not solely in tabs 120 or 124 but also in tab 128. Therefore, by selecting a security data is populated (value/bid/ask/last/change/high/low, etc.) that facilitates the ordering of securities. Finally examiner asserts that Ram (Figure 12: 128) thus does disclose displaying a plurality of data and populating data in an appropriate input area of an order entry area.

Ram does not specifically teach placing the selected option orders simultaneously and a submit user control to facilitate simultaneously placing multiple option orders.

Nakagawa teaches placing the selected option orders simultaneously and a submit user control to facilitate simultaneously placing multiple option orders (abstract, Figure 2, paragraphs [0014, 0015, 0018, 0031]).

Shields teaches placing the selected option orders simultaneously and a submit user control to facilitate simultaneously placing multiple option orders

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Ram to include placing the selected option orders simultaneously and a submit user control to facilitate simultaneously placing multiple option orders as taught by Nakagawa and Shields to use known technique to improve similar art in the same way to accommodate users who wish to submit multiple option orders at the same time.

As per claim 19

Ram discloses receiving numbers of option quotes to present in the presented option quote areas and presenting option quotes in the presented option quote areas based on the numbers received for the corresponding option quote areas (page 9, paragraph [0178], lines 1-8).

As per claims 20, 27, 32 and 37

Ram discloses receiving strike prices above and/or below a particular strike price for which option quotes are presented in option quote areas and presenting option

Art Unit: 3693

quotes associated with the strike prices above and/or below the particular strike price in option quote areas (Figure 46: 344a-f & page 16, paragraph [0291]).

As per claims 21, 28 and 33

Ram discloses the particular strike price is equal to a current price of a security underlying the option (page 16, paragraph [0291], lines 9-11). Examiner notes that since the strike price is user configurable, the strike can be easily adjusted to equate the current price.

As per claim 38, 39, 40 and 41

Ram discloses presenting in the graphical user interface attributes of the plurality of presented option quotes (Figure 12: 124 & 128, Figure 16 and Figure 51).

6. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication Number 2003/0004853 to Ram et. al (hereinafter Ram) in view of US Patent Application 2002/0152153 to Nakagawa (hereinafter Nakagawa) and US Patent 7,529,701 to Shields et al. (hereinafter Shields) in view of US Patent Number 6,876,981 to Berckmans (hereinafter Berckmans) further in view of Official Notice.

As per claim 22

Ram discloses using color indicators for differentiating types of order data (page 4, paragraph [0060] and page 13, paragraph [0235]). Ram discloses using color indicators for differentiating types of order data (short/option/margin/profit/loss/etc.) (paragraphs [0060 & 0235]).

Ram does not specifically teach determining a color based on a difference between a strike price of an option quote and a price of a security underlying the presented option quote and presenting the option quote in association with the color.

Examiner notes that Moneyness is a term that is obvious to one skilled in the art at the time of invention describing the relationship between the strike price of an option and the current trading price of its underlying security. Where settlement is financial, the difference between the strike price and the spot price will determine the value, or "moneyness" of the contract. Examiner further notes that in finance, moneyness is typically viewed as a measure of the degree to which a derivative security is likely to have positive monetary value at its expiration.

Berckmans discloses that voluminous information displayed textually is easily confused and misinterpreted and that by representing financial data using colors users can more easily and quickly perceive and process displayed information (page 6, lines 16- 22). Examiner notes that since Ram teaches using color indicators for differentiating types of order data (profit/loss/etc.) and moneyness is typically viewed as

Art Unit: 3693

a measure of the degree to which a derivative security is likely to have positive monetary value at its expiration, a profit indicator it would have been obvious to one skilled in the art at the time of invention to determine a color based on a difference between a strike price of an option quote and a price of a security underlying the presented option quote and present the option quote in association with the color.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to determine a color based on a difference between a strike price of an option quote and a price of a security underlying the presented option quote and present the option quote in association with the color as taught by Ram and Berckmans to simplify the perception and processing of displayed financial data.

The combination of Ram and Berckmans does not specifically teach a plurality of brightness levels of a color.

Official Notice is taken that it is old and well known within the art to determine a brightness level of color for ease of perception and processing of displayed information. Humans perceive different shades/brightness levels of colors as separate "colors" all together (lime green vs. hunter green, sky blue vs. navy blue, etc.). Examiner notes that different brightness levels of colors are thus perceived as different "colors" all together.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the color based financial visual data of the combination of Ram and Berckmans to include a plurality of brightness levels of color to add a complexity of perceptible information available visually.

As per claim 23

Ram discloses using color indicators for differentiating types of order data (short/option/margin/profit/loss/etc.) (page 4, paragraph [0060] and page 13, paragraph [0235]). Ram also discloses determining an option exchange (NASDAQ) associated with an option quote (page 11, paragraph [0204]).

Ram does not specifically teach determining a color associated with the option exchange and presenting the option quote in association with the color.

Berckmans discloses that voluminous information displayed textually is easily confused and misinterpreted and that by representing financial data using colors users can more easily and quickly perceive and process displayed information (page 6, lines 16- 22). Examiner notes that this could be easily adapted to determine a color associated with the option exchange and present the option quote in association with the color.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to determine a color associated with the option exchange and present the option quote in association with the color as taught by Berckmans to simplify the perception and processing of displayed financial data.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA L. LEMIEUX whose telephone number is (571)270-3445. The examiner can normally be reached on Monday-Thursday 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jessica L Lemieux
Examiner
Art Unit 3693

/J. L. L./
Examiner, Art Unit 3693
October 2009

/Stefanos Karmis/
Primary Examiner, Art Unit 3693